

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Richard E. O'Rourke, et al,

Case No. 3:01CV7235

Plaintiff

v.

ORDER

Unitrend, Inc., et al.,

Defendant

Pursuant to prior order, former counsel for the plaintiffs has submitted a revised statement of the fees due and owing to him. Current counsel for the plaintiffs has filed an opposition to the revision. For the reasons that follow, the revision shall be accepted, with compensation at the rate of \$275/hour.¹

Plaintiffs, through current counsel, responded to the revised fee statement. I agree with the applicant for the fee award that that response asserts positions that either have not previously been asserted or conflict with positions previously asserted. Consequently, the instant objections to entry of the requested award shall be overruled.

I confirm my earlier ruling that the balance left in the escrow account after granting the revised fee application is to be paid to plaintiffs and credited against the judgment entered in their favor.

I have otherwise reviewed the pending fee application and the revised statement of fees due and owing, and find them to be accurate, reasonable, appropriate, and lawful in all respects.

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Compensation shall be at the rate of \$275/hour. Reference to \$273/hour in my prior order reflected reference to that amount in the fee application. As counsel requests \$275/hour (his customary applicable billing rate), it is clear that any reference on his part to \$273/hour was a typographical error.

It is, therefore,

ORDERED THAT:

1. The Clerk disburse to the law firm of Smolenski & Wooddell the amount of \$81,936.78 (eightyonethousandninehundredthirtysix dollars and seventy-eight cents) as an for the attorneys' fees remaining due and owing for services rendered; and
2. The balance thereafter remaining in the escrow account be distributed to plaintiffs through current counsel, and credited against the judgment previously entered against the defendants.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge